



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2108 OF 2024 (MV-D)

BETWEEN:

1. SRI. RAMASWAMY VENKATESH
S/O K RAMASWAMY
AGED ABOUT 50 YEARS
2. SMT. MAHALAKSHMI V
W/O RAMASWAMY VENKATESH
AGED ABOUT 46 YEARS

BOTH ARE R/AT
MARAGONDANAHALLI MAIN ROAD
ANANDAPURA
T C PALYA MAIN ROAD
K R PURAM
BENGALURU - 560 036.

...APPELLANTS

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE)

AND:

1. M/S ICICI LOMBARD
MOTOR INS. CO., LTD.,
BY THE MANAGER
MOTOR CLAIMS HUB
NO.121, THE ESTATE BUILDING
9TH FLOOR, DICKSON ROAD
BENGALURU-560 001.





2. YOUSUF KHAN
S/O ABDUL GHANI
NO.288, 3rd CROSS,
'D' BLOCK,
RASHAD NAGAR
NAGAVARA
GOVINDAPURA
BENGALURU - 560 045.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL, ADVOCATE

VIDE ORDER DATED 15.10.2024, NOTICE TO R2 D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 25.01.2023 PASSED IN MVC NO.2488/2022 ON THE FILE OF THE V ADDITIONAL SMALL CAUSES JUDGE AND XXIV ACMM, MEMBER, MACT, BENGALURU, (SCCH-20), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.

2. This appeal is filed by the appellants/claimants under Section 173(1) of Motor Vehicles Act, 1988,



challenging the judgment and award dated 25.01.2023 passed in MVC No.2488/2022 by the V Additional Small Causes Judge and XXIV A.C.M.M. Member, Motor Accident Claims Tribunal, Bengaluru (for short, 'the Tribunal') seeking enhancement of compensation.

3. One Prashanth V.S. S/o Venkatesh, met with an accident on 07.03.2022 and subsequently died. His parents filed a claim petition claiming compensation of Rs.50,00,000/-. The Tribunal, after considering the entire evidence on record, awarded a compensation of Rs.23,41,000/- along with interest at the rate of 6% per annum from the date of petition till realisation.

4. Aggrieved by the said order, the claimants preferred the appeal, contending that the deceased was aged 21 years and was working as a cameraman in movies. He completed a filmmaking course with Grade A and was a trained and skilled worker earning Rs.20,000/- per month. It is further contended that the Tribunal erred in assessing his monthly income at Rs.14,750/-. Since the



accident occurred in the year 2022, it is prayed that interest be granted at the rate of 12% per annum. Accordingly, the appellants seek for enhancement of the compensation.

5. Learned counsel for the respondent submitted that, although a bank statement was filed by the appellants, his monthly income details are not reflected on it.

6. The learned counsel for the appellant emphasized that the deceased was a qualified skilled worker and his income should be taken Rs.20,000/- per month and he filed the following documents to substantiate his claim:

- i. Ex.P-10: Film-making certificate
- ii. Ex.P-15: Bank statement
- iii. Ex.P-16: PAN card
- vi. Ex.P-17: Passport



v. Ex.P-18-23: Photographs showing that he was working as an assistant cameraman for the film "Banaras"

vi. Ex.P-25: Crew membership card

These documents establish that the deceased was working as a cameraman and possessed requisite certification.

7. Considering the age of the deceased-21 years, his employment, and the evidence on record, this Court finds it reasonable to take his monthly income as Rs.18,000/-. He is entitled to 40% towards future prospects. As he is a bachelor, 50% of the income is to be deducted towards personal expenses. The applicable multiplier for age 21 is '18'. Accordingly, the Loss of dependency comes to $\text{Rs.18,000/-} + 40\% \times 12 \times 18 - 50\% = \text{Rs.27,21,600/-}$.

8. The parents of the deceased are entitled to Rs.44,000/- by each of them towards filial consortium and



an amount of Rs.33,000/- is awarded under the conventional heads.

9. Accordingly, the compensation payable is recalculated as follows:

Particulars	Amount in Rs.
Loss of dependency	27,21,600.00
Loss of filial consortium	88,000.00
(Rs.44,000/- x 2)	
Conventional heads	33,000.00
Total	28,42,600.00

10. Thus, the appellants/claimants are entitled to total compensation of Rs.28,42,600/- as against Rs.23,41,000/- awarded by the Tribunal. The enhanced compensation therefore amounts to Rs.5,01,600/-. To this extent, the award passed by the Tribunal requires modification.

11. In the result, the following order is passed:

ORDER

i. Appeal is ***allowed in part.***



- ii. The judgment and award dated 25.01.2023 passed in MVC No.2488/2022 by the V Additional Small Causes Judge and XXIV A.C.M.M. Member, Motor Accident Claims Tribunal, Bengaluru, is hereby modified;
- iii. The Insurance Company having already deposited the compensation awarded by the Tribunal, respondent No.2 is directed to deposit the enhanced compensation of Rs.5,01,600/- with interest at the rate of 6% per annum from the date of petition till realization, within a period of one month from the date of this order.
- iv. On such deposit, appellants/claimants are permitted to withdraw the entire compensation amount along with interest accrued on it in equal proportion.



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- v. The appellants are not entitled for interest
for 320 days delay period as per order in
I.A.No.1/2024 dated 12.11.2024.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 Sl No.: 62